

11
ALVIN R. OTT

State Representative
3rd Assembly District

Assembly Agriculture Committee

MEMO

To: Members of the Assembly Agriculture Committee

From: Representative Al Ott, Chair

Date: October 10th, 1995

The following clearinghouse rule has been referred to the Assembly Agriculture Committee:

Rule No. 95-017: relating to pesticide worker protection and pesticide application site posting.

The deadline for committee action on this rule is **November 9th, 1995**. If you would like a copy of the rule, please contact Kim in my office at 266-5831.



Office:
318 North
P.O. Box 8953, State Capitol
(608) 266-5831

**Toll-free
Legislative Hotline:**
1 (800) 362-9472

Home:
P.O. Box 112
Forest Junction, Wisconsin 54123
(414) 989-1240

Ranking Member: Agriculture, Forestry and Rural Affairs / **Member:** Environmental Resources; Labor and Job Training



Printed on recycled paper



Al Ott

State Representative • 3rd Assembly District

November 9, 1995

Mr. Alan Tracy, Secretary
Wisconsin Dept. of Agriculture, Trade & Consumer Protection
2811 Agriculture Drive
P.O. Box 8911
Madison, WI 53708-8911

Dear Secretary Tracy:

I am writing as Chairman of the Assembly Agriculture Committee to request a meeting between Department of Agriculture, Trade & Consumer Protection (DATCP) officials and interested members of the Assembly Agriculture Committee regarding Clearinghouse Rule 95-017 which was submitted to the legislature by DATCP. The meeting was requested by a member of this committee who has concerns regarding the rule.

In working with your staff, I have scheduled this meeting for Monday, November 13th at 12:30pm in Room 318 North of the State Capitol. Thank you and your staff for your willingness to sit down and discuss any concerns that members of the Assembly Agriculture Committee may have.

Sincerely,

Alvin R. Ott
State Representative
3rd Assembly District

ARO:kjr

Chairman:
Agriculture Committee



Member:
Environment & Utilities
Government Operations
Natural Resources
Rural Affairs

Al Ott

State Representative • 3rd Assembly District

To: Assembly Agriculture Committee Members
From: Representative Al Ott, Chair
Date: November 9, 1995
Re: CR 95-017-relating to pesticide worker protection and
pesticide application site posting

I have scheduled a meeting between representatives of DATCP and interested Assembly Agriculture Committee Members regarding CR 95-017. This meeting was scheduled at the request of a committee member.

This is not a public hearing and you are not required to attend. However, if you are interested or would like to send a staff person, the meeting will be held in my office (318 North) on Monday, November 13th at 12:30pm. We are scheduled to be in session at 2:00pm that day.

If you have any questions, please feel free to contact me at 266-5831. Thank you!



CLIFFORD OTTE

WISCONSIN STATE REPRESENTATIVE
27TH ASSEMBLY DISTRICT

12:30 pm
11-13-95
318 North

TO: Representative Al Ott

FROM: Representative Cliff Otte *CO*

DATE: November 7, 1995

RE: Rule No. 95-017, pesticide worker protection and pesticide application site posting.

*Bonnie
*posting for fields
for certain chemicals*

I am requesting that the Assembly Agriculture Committee hold a public hearing to review Rule No. 95-017. In looking over the proposal I feel that this issue should be given attention by the committee.

Thank you.

CO:bmd

Last Day for action 11-09-95

Post / press boxes (not in bulletin)

Stute

*Nick Weber Div Adm
Wed Zwielsdorff
Bun. Director of
Agi-Chemical
Mgt.*

don, km

11-12-95 - CR 95-017

Cliff Posting - feds say optional - wh

Nick Neher
Ned Zwolofsky

Cliff, Gene, John
Dave Strick

Worker Protection Act - only applies when farmer has employees (including family outside of immediate - ie son in law)

going from list requiring posting on 802,700 to 1,035,800

John - hard to swallow re: people going on land to pick corn, bathroom - farmers can't do that to other business property

Use Rates as Pounds per Acre*
(based on various row spacings and application rates)
Application Rates (Oz./1,000 Ft. of Row)

ROW WIDTH (INCHES)	4 oz.	6 oz.	8 oz.	10 oz.	12 oz.	14 oz.	16 oz.
40"	3.3	4.9	6.5	8.2	9.8	11.4	13.1
38"	3.4	5.2	6.9	8.6	10.3	12.0	13.7
36"	3.6	5.4	7.3	9.1	10.9	12.7	14.5
34"	3.9	5.6	7.7	9.7	11.6	13.5	15.4
32"	4.1	6.1	8.2	10.2	12.3	14.3	16.3
30"	4.4	6.5	8.7	10.9	13.1	15.2	17.4
28"	4.7	7.1	9.5	11.8	14.2	16.6	18.9
26"	5.0	7.6	10.2	12.7	15.3	17.9	20.4
24"	5.4	8.2	10.9	13.6	16.3	19.1	21.8
22"	5.9	8.9	11.9	14.9	17.9	21.0	24.0
20"	6.5	9.8	13.1	16.3	19.6	22.8	26.1

*See directions for specific use rates on each crop.

CALIBRATION INFORMATION FIRST READ THE LABEL.

It is important that applicator equipment be properly set to deliver the

labeled rate. This chart will help determine the desired rate of application.

When label is 8 ounces per 1,000 feet of row, use these suggested starting gauge settings, regardless of row spacing:

PLANTING SPEED

APPLICATOR	3 mph	5 mph	7 mph
John Deere Max-Emerge 2 (Models 7200 and 7300)	16	23	35
John Deere Max-Emerge (Odd Notches 5-15-25-35) (Models 7000 and 7100)	11	15	19
John Deere Max-Emerge (Even Notches 0-10-20-30) (Models 7000 and 7100)	13	19	25
John Deere 71 Flexi-Planter (Metal Hoppers)			
International Harvester	1/28	2/6	2/15
New International Harvester	1/7.0	2/1.5	2/7.5
Gandy	1/9.0	2/6.0	3/2.0
New Noble	18	24	28
Old Noble	8	12	16
Allis Chalmers (78 and 79 Series)	11	17	23
Allis Chalmers #385		All Speeds - Gauge 7	
Buffalo (Gauged)	10	14	18
Buffalo (Fluted-Roll Feed)	9	15	20
White			

All Speeds-5 1/2 Revolutions Hexagonal nut
Refer to Noble Settings

NOTE: These settings should be used as starting points only. Continually check the amount of COUNTER 15G used against a known length of row or acreage and make further adjustments accordingly. Also, check calibration occasionally to make sure equipment wear, changing moisture conditions, etc., have not caused a change in flow rate.

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PE-2013 12/93

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methy] 0,0-diethyl phosphorodithioate 15.0%
INERT INGREDIENTS: 85.0%
TOTAL: 100.0%

EPA Reg. No. 241-238

*Registered Trademark of American Cyanamid Company

**KEEP OUT OF REACH OF CHILDREN
DANGER/PELIGRO!**



DANGER-POISON



Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle. (If you do not understand this label, find someone to explain it to you in detail.)

STATEMENT OF PRACTICAL TREATMENT

Organophosphate

CALL A PHYSICIAN AT ONCE IN ALL CASES OF SUSPECTED POISONING.

If **swallowed**, drink one or two glasses of water and induce vomiting by touching back of throat with finger. Do not induce vomiting or give anything by mouth to an unconscious person. Avoid alcohol. Get medical attention.

If **inhaled**, remove to fresh air. If not breathing, give artificial respiration preferably mouth-to-mouth. If breathing is difficult, give oxygen. Get medical attention.

If **on skin**, wash thoroughly with soap and water.

If **in eyes**, immediately flush eyes with plenty of water. Get medical attention.

Repeated inhalation or skin contact may, without symptoms, progressively increase susceptibility to poisoning. Antidote: Atropine is an antidote.

COUNTER® 15G

SYSTEMIC INSECTICIDE-NEMATOCIDE LOCK 'n LOAD™ CLOSED HANDLING SYSTEM

RESTRICTED USE PESTICIDE

Due to acute oral and dermal toxicity.

For retail sale to, and use only by Certified Applicators or persons under the direct supervision of a Certified Applicator, and only for those uses covered by the Certified Applicator's certification. American Cyanamid Company endorses Certification to promote the responsible use of pesticides to insure the protection of man and the environment.

FOR USE IN FIELD CORN, POPCORN, SWEET CORN, SUGAR BEETS, AND GRAIN SORGHUM

ACTIVE INGREDIENT:

terbufos: S-[[[(1,1-dimethylethyl)thio]

NOTE TO PHYSICIANS: Warning symptoms include weakness, headache, tightness in chest, blurred vision, nonreactive pinpoint pupils, salivation, nausea, vomiting, diarrhea, and abdominal cramps. Give atropine intramuscularly or intravenously, depending on severity of poisoning, 2 to 4 milligrams every 10 minutes until fully atropinized as shown by dilated pupils, dry flushed skin and tachycardia. Twenty to thirty milligrams, or more, may be required during the first 24 hours. Never give opiates or phenothiazine tranquilizers. Clear chest by postural drainage. Artificial respiration or oxygen administration may be necessary. Observe patient continuously for at least 48 hours. Allow no further exposure to any cholinesterase inhibitor until cholinesterase regeneration has taken place as determined by blood tests. Pralidoxime chloride (2-PAM; PROTOPAM chloride) may be effective as an adjunct to atropine. Use according to label directions.

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS DANGER!

Fatal if swallowed, inhaled, or absorbed through the skin. Do not breathe dust. Do not get in eyes, on skin, or on clothing.

In case of contact, immediately remove contaminated clothing and wash skin thoroughly with soap and water.

Do Not Breathe Dust

While emptying container into equipment, pour downwind and allow as little free fall as possible. Do not pour at face level and do not allow dust to reach the breathing zone.

Do Not Contaminate Food or Feed Products

Once a container has been opened, use it completely. Make sure the hoppers are emptied while still in the field. Refer to STORAGE AND DISPOSAL statement for further instructions.

Keep All Unprotected Persons Out of Operating Areas

Do not apply this product in such a manner as to directly or through drift expose workers or other persons.

Keep Out of Reach of Domestic Animals.

Not For Use or Storage In or Around the Home.

WORK SAFETY RULES

REPEATED EXPOSURES TO CHOLINESTERASE INHIBITORS SUCH AS ARE CONTAINED IN THIS PRODUCT MAY, WITHOUT WARNING, CAUSE PROLONGED SENSITIVITY TO VERY SMALL DOSES OF ANY CHOLINESTERASE INHIBITOR.

Persons working with this product should have frequent blood tests of their cholinesterase levels. If the cholinesterase level falls below a critical point, no further exposure should be allowed until it has been determined by means of blood tests that the cholinesterase level has returned to normal. Before using this product, consult the National Pesticide Telecommunication Network for recommendations regarding such blood tests, poisoning management, emergency treatment, and other information regarding the toxicity of terbufos. The toll-free number for the National Pesticide Telecommunication Network is 1-800-858-7378.

If handled indoors, provide mechanical exhaust ventilation.

Keep all unprotected persons, children, livestock, and pets away from treated areas or where there is danger of drift.

Do not rub eyes or mouth with hands. If you feel sick in any way, STOP work and get help right away. See Statement of Practical Treatment Section.

Personal Protective Equipment (PPE):

Applicators and other handlers must wear:

- Coveralls over long-sleeved shirt and long pants
- Chemical-resistant gloves such as nitrile or neoprene rubber
- Chemical-resistant footwear plus socks
- Protective eyewear
- Chemical-resistant headgear for overhead exposure
- Chemical-resistant apron when cleaning equipment, mixing, or loading
- A respirator with either an organic vapor-removing cartridge with a pre-filter approved for pesticides (MSHA/NIOSH approval number prefix TC-23C), or a canister approved for pesticides (MSHA/NIOSH approval number prefix TC-14G).

Discard clothing and other absorbent materials that have been heavily contaminated with this product. Do not reuse them.

Follow manufacturer's instructions for cleaning/maintaining Personal Protective Equipment. If no such instructions for washables, use detergent and hot water. Keep and wash Personal Protective Equipment separately from other laundry.

When handlers use closed systems or enclosed cabs in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240 (d) (4-6)], the handler PPE requirements may be reduced or modified as specified in the WPS.

User Safety Recommendations:

Users should:

- Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.

- Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.
- Remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

ENVIRONMENTAL HAZARDS

This pesticide is extremely toxic to fish and wildlife. Birds and wild mammals utilizing treated fields may be killed.

Do not apply directly to water, to areas where surface water is present, or to intertidal areas below the mean high water mark. Runoff and drift from treated areas may be hazardous to aquatic organisms in adjacent aquatic sites. Do not contaminate water when disposing of equipment washwaters. Cover or incorporate granules that are spilled during mixing and loading.

IN CASE OF EMERGENCY ENDANGERING LIFE OR PROPERTY INVOLVING THIS PRODUCT CALL COLLECT, DAY OR NIGHT, AREA CODE 201-835-3100.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirements specific to your State or Tribe, consult the agency responsible for pesticide regulation. This label must be in the possession of the user at the time of pesticide application.

AGRICULTURAL USE REQUIREMENTS

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR part 170. This Standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment (PPE), notification to workers, and restricted-entry interval. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.

Do not enter or allow worker entry into treated areas during the restricted entry interval (REI) of 48 hours. Each 48-hour REI is increased to 72 hours in outdoor areas where average rainfall is less than 25 inches a year.

Exception: if the product is soil-injected or soil-incorporated, the Worker Protection Standard, under certain circumstances, allows workers to enter the treated area if there will be no contact with anything that has been treated.

PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water is:

- Coveralls over long-sleeved shirt and long pants
- Chemical-resistant gloves such as nitrile or neoprene rubber
- Chemical-resistant footwear plus socks
- Protective eyewear
- Chemical-resistant headgear for overhead exposure

Notify workers of the application by warning them orally and by posting warning signs at entrances to treated areas.

STORAGE AND DISPOSAL

Storage

Store pesticide products in a secure locked area where children, unauthorized persons and animals cannot enter. Do not store in the same area with food or feed. Do not store open containers.

Prohibitions

Do not contaminate water, food or feed by storage or disposal. Open dumping is prohibited.

Pesticide Disposal

Pesticide wastes are acutely hazardous. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal law. If these wastes cannot be disposed of by use according to label instructions, contact your state pesticide or Environmental Control Agency, or the hazardous waste representative at the nearest EPA Regional Office for guidance.

Container Disposal

Return empty container to point of purchase.

General

Consult federal, state, or local disposal authorities for approved alternative procedures.

BEFORE USING, READ PRECAUTIONARY STATEMENTS

COUNTER 15G should be applied with a granular pesticide applicator properly calibrated to assure accurate placement and proper dosage. Cover granules that may be exposed on the ends of the treated rows and turns and loading areas by deep disking immediately after treating fields.

WEED SCIENTIFIC NAMES

Fall	(<i>Panicum dichotomiflorum</i>)
Texas	(<i>Panicum texanum</i>)
Sandbur, Field	(<i>Cenchrus incertus</i>)
Shattercane	(<i>Sorghum bicolor</i>)
Signalgrass, Broadleaf	(<i>Brachiaria platyphylla</i>)
Witchgrass	(<i>Panicum capillare</i>)

BROADLEAF WEEDS

Alligator	(<i>Alternanthera philoxeroides</i>)
Beggarweed, Florida	(<i>Desmodium tortuosum</i>)
Bristly Starbur	(<i>Acanthospermum hispidum</i>)
Burcucumber	(<i>Sicyos angulatus</i>)
Carpetweed	(<i>Mollugo verticillata</i>)
Cocklebur, Common	(<i>Xanthium strumarium</i>)
Copperleaf, hophornbeam	(<i>Acalypha ostryifolia</i>)
Jimsonweed	(<i>Datura stramonium</i>)
Kochia	(<i>Kochia scoparia</i>)
Lambsquarters, Common	(<i>Chenopodium album</i>)
Mallow, Venice	(<i>Hibiscus trionum</i>)
Mexicanweed	(<i>Caperonia castanifolia</i>)
Morningglory	
Entireleaf	(<i>Ipomoea hederacea</i> var. <i>intergruscula</i>)
Ivyleaf	(<i>Ipomoea hederacea</i>)
Palm Leaf	(<i>Ipomoea wrightii</i>)
Pitted	(<i>Ipomoea lacunosa</i>)
Smallflower	(<i>Jacquemontia tamnifolia</i>)
Tall	(<i>Ipomoea purpurea</i>)
Mustard Species	(<i>Brassica</i> spp.)
Nightshade, Eastern Black	(<i>Solanum ptycanthum</i>)
Nutsedge, Yellow	(<i>Cyperus esculentus</i>)
Pigweed	
Palmer	(<i>Amaranthus palmeri</i>)
Redroot	(<i>Amaranthus retroflexus</i>)
Smooth	(<i>Amaranthus hybridus</i>)
Spiny	(<i>Amaranthus spinosus</i>)
Waterhemp, Tall	(<i>Amaranthus tuberculatus</i>)
Poinsettia, Wild	(<i>Euphorbia heterophylla</i>)
Puncturevine	(<i>Tribulus terrestris</i>)
Purslane	(<i>Portulaca oleracea</i>)
Pusley, Florida	(<i>Richardia scabra</i>)
Ragweed	
Common	(<i>Ambrosia artemisiifolia</i>)
Giant	(<i>Ambrosia trifida</i>)
Redweed	(<i>Melochia corchorifolia</i>)
Sesbania, hemp	(<i>Sesbania exaltata</i>)
Sicklepod	(<i>Cassia obtusifolia</i>)
Sida, Prickly (Teaweed)	(<i>Sida spinosa</i>)
Smartweed	
Ladysthumb	(<i>Polygonum persicaria</i>)
Pennsylvania	(<i>Polygonum pennsylvanicum</i>)
Spurge	
Annual	(<i>Euphorbia</i> spp.)
Prostrate	(<i>Euphorbia humistrata</i>)
Spotted	(<i>Euphorbia maculata</i>)
Sunflower, Common	(<i>Helianthus annuus</i>)
Texasweed	(<i>Caperonia palustris</i>)

WEED SCIENTIFIC NAMES

Velvetleaf	(<i>Abutilon theophrasti</i>)
SEDGES	
Nutsedge, Yellow	(<i>Cyperus esculentus</i>)

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¹ Registered trademark of E.I. du Pont de Nemours Company

² Registered Trademark of Zeneca, Inc.

³ Registered Trademark of Monsanto Agricultural Products Co.

⁴ Registered Trademark of FMC Corporation

⁵ Registered Trademark of E.I. du Pont de Nemours and Company

⁶ Registered Trademark of Miles Company

PE-21053

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THIMET® 15-G

SOIL AND SYSTEMIC INSECTICIDE

RESTRICTED USE CLASSIFICATION

Due to acute oral and dermal toxicity and avian hazards For retail sale to and use only by Certified Applicators or persons under their direct supervision and only for those uses covered by the Certified Applicator's Certification.

American Cyanamid Company endorses Certification to promote the responsible use of pesticides to insure the protection of man and the environment.

ACTIVE INGREDIENT:

Phorate: (O,O-diethyl S-[(ethylthio) methyl] phosphorodithioate) 15.0

INERT INGREDIENTS: 85.0

TOTAL 100.0

EPA Reg. No. 241-145

KEEP OUT OF REACH OF CHILDREN



DANGER-POISON



DANGER/PELIGRO!

Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle. (If you do not understand this label, find someone to explain it to you in detail.)

IN CASE OF AN EMERGENCY ENDANGERING LIFE OR PROPERTY INVOLVING THIS PRODUCT, CALL COLLECT, DAY OR NIGHT, AREA CODE 201-835-3100.

STATEMENT OF PRACTICAL TREATMENT

Organophosphate

CALL A PHYSICIAN AT ONCE IN ALL CASES OF SUSPECTED POISONING

If swallowed, drink one or two glasses of water and induce vomiting by touching back of throat with finger. Do not induce vomiting or anything by mouth to an unconscious person. Avoid alcohol. Get medical attention.

If inhaled, remove to fresh air. If not breathing, give artificial respiration preferably mouth-to-mouth. If breathing is difficult, give oxygen. Get medical attention.

If on skin, wash thoroughly with soap and water.

If in eyes, immediately flush eyes with plenty of water. Get medical attention.

Antidote: Atropine is an antidote.

NOTE TO PHYSICIANS: Warning symptoms include weakness, headache, tightness in chest, blurred vision, nonreactive pinpoint pupils, salivation, nausea, vomiting, diarrhea, and abdominal cramps. Give atropine intramuscularly or intravenously, depending on severity of poisoning, 2 to 4 milligrams every 10 minutes until fully atropinized as shown by dilated pupils, dry flushed skin and tachycardia. Two to thirty milligrams, or more, may be required during the first 24 hours. Never give opiates or phenothiazine tranquilizers. Clear chest by postural drainage. Artificial respiration or oxygen administration may be necessary. Observe patient continuously for at least 48 hours. A

no further exposure to any cholinesterase inhibitor until cholinesterase regeneration has taken place as determined by blood tests.

Pralidoxime chloride (2-PAM; PROTOPAM chloride) may be effective as an adjunct to atropine.

Use according to label directions.

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS DANGER!

Fatal if swallowed, inhaled or absorbed through the skin. Do not breathe dust. Do not get in eyes, on skin, or on clothing.

Do Not Breathe Dust

While emptying bags into equipment, pour downwind and allow as little free fall as possible. Do not pour at face level and do not allow dust to reach the breathing zone.

Do Not Contaminate Food or Feed Products

Once a bag has been opened, use it completely. Make sure the hoppers are emptied while still in the field. Refer to STORAGE AND DISPOSAL statement for further instructions.

Keep Out of Reach of Domestic Animals.

Not for Use or Store In or Around the Home.

WORK SAFETY RULE

REPEATED EXPOSURES TO CHOLINESTERASE INHIBITORS SUCH AS ARE CONTAINED IN THIS PRODUCT MAY, WITHOUT WARNING, CAUSE PROLONGED SUSCEPTIBILITY TO VERY SMALL DOSES OF ANY CHOLINESTERASE INHIBITOR.

Persons working with this product should have frequent blood tests of their cholinesterase levels. If the cholinesterase level falls below a critical point, no further exposures should be allowed until it has been determined by means of blood tests that the cholinesterase level has returned to normal. Before using this product consult the National Pesticide Telecommunications Network for recommendations regarding such blood tests, poisoning management, emergency treatment, and other information regarding the toxicity of phorate. The toll free number for the National Telecommunications Network is 1-800-858-7378.

If handled indoors please provide mechanical exhaust ventilation.

Keep all unprotected persons, children, livestock, and pets away from treated areas or where there is danger of drift.

Do not rub eyes or mouth with hands. If you feel sick in any way, STOP work and get help right away, see Statement of Practical Treatment section.

Personal Protective Equipment (PPE):

Applicators and other handlers must wear:

- coveralls over long sleeved shirt and long pants,
- chemical-resistant gloves such as nitrile or neoprene rubber,
- chemical-resistant footwear plus socks,
- protective eyewear,
- chemical-resistant headgear for overhead exposure,
- chemical-resistant apron when cleaning equipment or loading, and
- a respirator with either an organic vapor-removing cartridge with a pre-filter approved for pesticides (MSHA/NIOSH approval number prefix TC-23C), or a canister approved for pesticides (MSHA/NIOSH approval number prefix TC-14G).

Follow manufacturer's instructions for cleaning and maintaining PPE. If no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry.

Do not reuse contaminated clothing. Clothing and protection equipment heavily contaminated must be destroyed according to state and local regulations. HEAVILY CONTAMINATED CLOTHING CANNOT BE ADEQUATELY DECONTAMINATED.

When handlers use closed systems, or enclosed cabs in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240 (d) (4-6)], the handler PPE requirements may be reduced or modified as specified in the WPS.

User Safety Recommendations:

Users should:

- Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.
- Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.
- Remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

ENVIRONMENTAL HAZARDS

This pesticide is extremely toxic to fish and wildlife. Birds feeding in treated areas may be killed.

Do not apply directly to water or to areas where surface water is present or to intertidal areas below the mean high water mark. Drift and runoff may be hazardous to aquatic organisms in neighboring areas. Collect or incorporate granules that are spilled during loading or are visible on

soil surface in turn areas. Do not contaminate water when disposing of equipment washwaters.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. This label must be in the possession of the user at the time of pesticide application.

Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirements specific to your State or Tribe, consult the agency responsible for pesticide regulation.

Do not use this product in any crop on Long Island, New York.

AGRICULTURAL USE REQUIREMENTS

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR part 170. This Standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment (PPE), notification to workers, and restricted-entry interval. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.

Do not enter or allow worker entry into treated areas during the restricted entry interval (REI) of 48 hours. The REI is 72 hours in outdoor areas where average rainfall is less than 25 inches a year.

Exception: if the product is soil-injected or soil-incorporated, the Worker Protection Standard, under certain circumstances, allows workers to enter the treated area if there will be no contact with anything that has been treated.

PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water, is:

- coveralls over long sleeved shirt and long pants,
- chemical-resistant gloves such as nitrile or neoprene rubber,
- chemical-resistant footwear plus socks
- protective eyewear
- Chemical-resistant headgear for overhead exposure

Notify workers of the application by warning them orally and by posting warning signs at entrances to treated areas.

STORAGE AND DISPOSAL

Storage

Store pesticide products in a secure locked area where children, unauthorized persons and animals cannot enter. Do not store in the same area with food or feed. Do not store opened bags.

Prohibitions

Do not contaminate water, food or feed by storage or disposal. Open dumping is prohibited. Cover or incorporate spills.

Pesticide Disposal

Pesticide wastes are acutely hazardous. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal law. If these wastes cannot be disposed of by use according to label instructions, contact your state pesticide or Environmental Control Agency, or the hazardous waste representative at the nearest EPA Regional Office for guidance.

Container Disposal

Completely empty bag into application equipment. Then dispose of empty bag in a sanitary landfill or by incineration, or, if allowed by State and local authorities, by burning. If burned, stay out of smoke.

General

Consult Federal, State or local disposal authorities for approved alternative procedures such as limited open burning.

DISCLAIMER

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American Cyanamid Company warrants only that the material contained herein conforms to the chemical description on the label and is reasonably fit for the use therein described when used in accordance with the directions for use, subject to the risk referred to above. **CYANAMID**

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Signs Don't Eliminate Liability

By Jane Fyksen
Regional Editor

Every fall as the deer season approaches, many farmers are besieged with requests from hunters wanting to use their land. While Wisconsin's "recreational use statute" limits property owners' responsibility for injury to people who use their land for recreation, farmers are not entirely off the hook.

John Copeland, director of the National Center for Agricultural Law, warns farmers that legal distinctions between the various classes of recreational users — trespasser, licensee and invitee — are blurring. Courts have generally been placing more and more responsibility on landowners to keep the folks they let on their land to hunt safe. That also applies to people who are there without permission.

The National Center for Agricultural Law is part of the law school at the University of Arkansas, at Fayetteville. Copeland is analyzing states' recreational use statutes — including Wisconsin's. He will be finished with a manual on the subject by the end of the year. He has also written an easy-to-understand 147-page manual titled "Understanding the Farmer's Comprehensive Personal Liability Policy." With lots of examples, it details what types of situations farm liability insurance policies generally will and will not cover.

Copeland's bottom line on landowner liability is that farmers had "better practice risk management," meaning they should know the risks on their farms and be very conscientious about warning hunters and other recreational users about where they could get hurt.

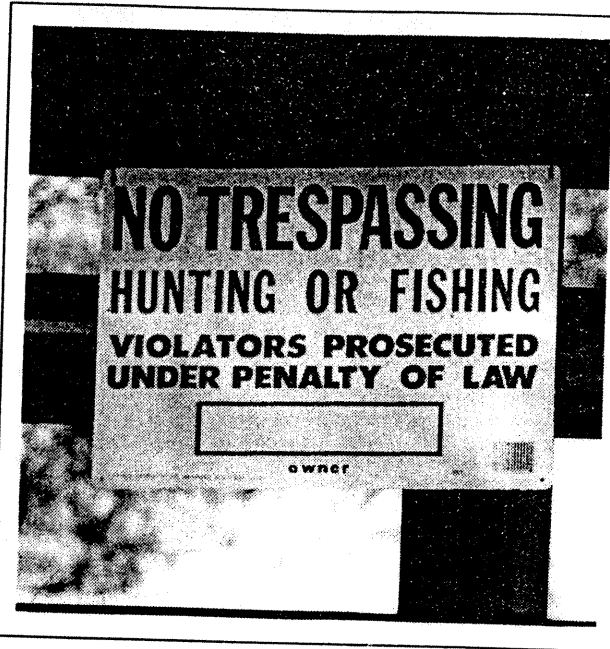
The trend is to "sue anybody for anything that happens," says Copeland. "We all have rights, but very little responsibility."

From a legal perspective, there are three classes of private land "users." The lowest class is the trespasser. Since he's not supposed to be on the land in the first place, the landowner has the least amount of responsibility to make sure he's safe.

Generally, says Copeland, the farmer must only "avoid intentionally injuring" trespassers. While there's no duty to make the land generally safe for trespassers, Copeland notes that the farmer owes a duty to refrain from committing "willful, malicious or reckless injury." What exactly constitutes that has been widely interpreted by the courts.

The intermediary "user" is the licensee. This is the hunter who asks permission to hunt your land. You've given him "license" to come onto your farm for a nonbusiness purpose. Landowners must warn these folks about "known dangers" such as a bull in the back forty, electric fences, and deep holes.

The "highest" class of user is the invitee, who



hunt on your place. The landowner is benefiting from the invitee's presence, and thus, he also is most obligated to protect that person from harm.

Not only do invitees need to be warned about known dangers, but the landowner must take reasonable precautions to inspect the premises periodically to discover dangers. In addition to fee hunting, people coming onto the farm to buy a farmer's products are invitees.

Copeland warns that the trend in civil suits nationwide is to "blur" distinctions among the three categories of users, heaping increasing responsibility onto the shoulders of farmers to keep all three from harm. Thus, even though Wisconsin's "recreational use status" drops the licensee to trespasser status and affords landowners a little more protection from legal liability, they must not breathe too easily.

Even when some one is trespassing, Copeland says, some courts rule on the basis of "reckless behavior or indifference." For instance, a thin cable that's not particularly visible, but which is stretched across a lane to keep all-terrain vehicles from tearing up the alfalfa, could be construed as "reckless behavior or indifference." If a trespasser gets hurt by running his ATV into that cable, the landowner could be held liable. He could have marked the cable with flagging, for instance, so it was easier to spot.

Farmers can not intentionally harm trespassers. However, Copeland says "intent" has been broadened by some courts to mean behavior that is "so reckless" (or indifferent to the safety of others) that even if the farmer never had a conscious thought to do somebody else harm, he is held liable. Put simply, he never had a conscious thought not to prevent harm either. It's all a "matter of degree."

Warning
Not Enough
Simply
posting your
land isn't enough
to eliminate
liability when
recreational user
are injured on
your property -
even if they enter
uninvited - and
take you to court

Agri-View photo by Ron Johns

notes Copeland, between "ordinary negligence" and "gross negligence" and "reckless indifference."

Some courts allow trespassers to sue if it seems there was more than ordinary negligence on the part of the landowner. Example where farmers might run into this gray area are leaving a key in the ignition of a tractor left out in the field, or leaving the tractor loader in the air.

Electric fence stands in this grey area, too, says Copeland. Even if it is plainly visible might still be viewed as a "hidden danger," notes. It's "hidden" because an increasing urban public doesn't recognize a fence as electric it when it sees it.

What's more, he fears that some courts might even look upon electric fence as a sign of "reckless indifference" if someone got a job for example, and went into cardiac arrest. A court might rule that you could have chosen a safer way of fencing your property. To protect themselves, farmers might want to put up warning signs on their electric fences.

Landowners can't be too careful these days. The rules are changing, says Copeland, as society becomes increasingly urbanized. What was once clearly understood as common farming practices are not understood as such anymore. The burden of responsibility to protect people from their own ignorance falls more squarely on landowners.

Copeland has a few more words of caution. "The worst thing you can do" is furnish someone hunting on your land alcohol. If they get hurt, you'll be out of luck in using their use of alcohol as part of your defense.

Best not to let hunters use a tree stand you built either. If they fall out, they could sue

risks on their farms and be very conscientious about warning hunters and other recreational users about where they could get hurt.

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Best not to let hunters use a tree stand you've built, either. If they fall out, they could sue, claiming it was unreasonably high - even though they were the ones who willingly climbed up into it.

Beware of what your farm liability insurance policy says about family members hurt on your property. Some policies exclude family members. If your brother from the city comes out to the farm to hunt for the weekend and gets hurt, your insurance might not cover you.

There's another twist to farm liability insurance that farmers might not know about, notes Copeland. Even though Wisconsin's recreational use statute allows farmers to receive monetary compensation up to a certain amount without actually being considered as running a fee-hunting business, insurance companies are not quite so generous.

Most farm policies have a "business" exclusion, and to be considered in business, a farmer need not be paid in cash. He must only receive something of value - some venison, a 12-pack of beer. If the hunters are hurt, his policy might not cover them.

Farmers interested in copies of the farmer's manual on farm liability policies or the one on recreational use of private property can write: National Center for Agricultural Law Research and Information, School of Law, 309 Waterman Hall, University of Arkansas, Fayetteville, Arkansas 72701.

Trespass Signs Raise Safety Issue

There's no penalty for using signs containing blaze orange for posting, but it might be difficult to get a trespassing conviction to stick.

The Wisconsin Legislature passed a change in what constitutes a legal no-trespassing sign earlier this year. The legislation was authored by Rep. Don Hasenohrl (D-Pittsville) at the urging of central Wisconsin sportsmen.

According to Hasenohrl's office, blaze orange on no-trespassing signs is a hunter safety issue. The signs created color "pollution" in the woods that "desensitized" deer hunters to the color.

Hunters reportedly complained of missing shots at deer because the blaze orange they spied turned out to be a sign instead of a person. According to a spokesman for the legislator, some might even be tempted to shoot even when they see blaze orange, thinking they spotted just a sign when it could have been a person.

To have land legally posted, a farmer must erect signs at least 11 inches square in at least two conspicuous places for every 40 acres. The signs must carry an "appropriate

notice" ("no hunting," "no trespassing," "keep off," "stay out," or the like), as well as the name of the person giving notice, followed by the word "owner" if he holds legal title to the land, or followed by "occupant" if that's the case. None of the colors used in the sign can be blaze orange.

DNR doesn't enforce trespass laws

Farmers are also reminded that DNR wardens do not enforce trespass laws. Sheriffs do. Hunters can not legally go onto somebody else's land to track a wounded deer without permission. If a farmer doesn't post, he must first give verbal or written warning to a hunter to stay off his property before the hunter can be cited for trespassing. The hunter has to either refuse to leave or come back a second time.

For cultivated or fenced land, the owner does not need to "give notice." Neither does cropland or fenced pasture need to be posted.

If hunters decide to trespass and destroy the no-trespassing signs, they can still be fined for trespassing. Property is considered posted if there is proof that legal signs were in place before the trespass occurred.

You can cross your fu